

ROBERT B. PINCUS in his capacity as  
Special Master for the United States District Court of Delaware  
108 Rockford Grove Lane  
Wilmington, DE 19806

June 16, 2021

**BY HAND DELIVERY & CM/ECF**

The Honorable Leonard P. Stark  
Chief Judge  
United States District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 North King Street  
Wilmington, DE 19801-3570

Re: *Crystallex International Corp. v. Bolivarian Republic of Venezuela*,  
D. Del. C.A. No. 1:17-mc-00151-LPS

Dear Chief Judge Stark:

By order dated April 13, 2021 (D.I. 258), Your Honor appointed me as Special Master in this case to design, oversee, and implement the sale of Petroleos de Venezuela, S.A.'s shares of PDV Holding Inc. On May 27, 2021, Your Honor issued the *Order Regarding Special Master* (D.I. 277, the "**May 27 Order**")<sup>1</sup> setting forth, among other things, various obligations and duties applicable to the Special Master, the Parties, and ConocoPhillips (each as defined in the May 27 Order), including my obligation to enter a protective order to ensure that confidential information provided or exchanged during the course of my tenure is properly protected from disclosure (D.I. 277 at ¶ 2).

After preparing a proposed protective order, I requested that the Parties and ConocoPhillips provide their comments to me. After receiving comments, I prepared a revised order which I believed represented the comments received and my concerns regarding the receipt and disclosure of confidential information. After receiving further comments on the revised proposed order this week, I have prepared a final proposed Special Master Confidentiality Order, attached as Exhibit A, that, with the following exception, I believe is acceptable to the parties.

The remaining issue concerns whether or not Crystallex and ConocoPhillips should be allowed to designate information as "Highly Confidential" and object to such designation by the Venezuela Parties. Pursuant to the agreed upon terms of the Special Master Confidentiality Order, information designated "Highly Confidential" cannot be shared with any of the other Parties, ConocoPhillips, their outside counsel, or any other person or entity, and shall not be filed with the Court. CITGO objects to Crystallex's and ConocoPhillips' request to do so as inconsistent with the May 27 Order which only provides for the Venezuela Parties to designate information as Highly Confidential. CITGO further objects to the proposal to allow objections

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<sup>1</sup> All capitalized terms used but not otherwise defined herein, have the meanings ascribed to such terms in the May 27 Order.

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to designations of Highly Confidential information by the Venezuela Parties. I believe that any order I enter will result in the parties objecting to Your Honor as a result of this substantial dispute.

Without a protective order in place, the Parties and ConocoPhillips have not yet begun to share confidential information with me. Accordingly, I respectfully request that Your Honor order an expedited schedule for objections as the Court did previously with respect to the May 27 Order. *See* D.I. 264.

I am available at the convenience of the Court, should Your Honor have any questions.

Respectfully submitted,

*/s/ Robert B. Pincus*

Robert B. Pincus, in my capacity as  
Special Master for the United States  
District Court of Delaware

Enclosure

cc: Counsel of Record (by CM/ECF and E-Mail)